

FILED
APR - 7 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

GARY LYNN BONNER

Civil Case No. 09-364-SU

Plaintiff,

O R D E R

v.

UNION PACIFIC FLEXIBLE PROGRAM,
et al.,

Defendants.

Gary Lynn Bonner
3512 E. Alexis Court
Nampa, ID 83686

Pro Se Plaintiff

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KING, Judge:

The Honorable Patricia Sullivan, United States Magistrate Judge, filed Findings and Recommendation on February 8, 2010. Both parties filed timely objections to the Findings and Recommendation.


When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo review of the rulings of Magistrate Judge Sullivan.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Sullivan dated February 8, 2010 in its entirety.

IT IS HEREBY ORDERED that defendants' Motion for Summary Judgment is granted, in part, and denied, in part. Defendants' Motion for Summary Judgment on plaintiff's claims for disability benefits is granted because plaintiff's claim is barred by res judicata, the statute of

limitations, the preemption doctrine, and because plaintiff lacks standing. Defendants' request for a vexatious litigation order is denied. Defendants' Motion for Summary Judgment on the issue of damages is also denied.

DATED this 7th day of April, 2010.



GARR M. KING
United States District Judge